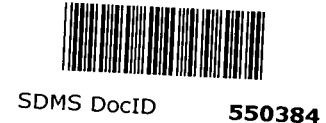


0015381

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF CONNECTICUT

Site:	SR5
Break:	10.9
Other:	004581
550384	

UNITED STATES OF AMERICA, : Civil Action No. H-79-704(JAC)
et al., :
 :
Plaintiffs :
 :
v. :
 :
SOLVENT RECOVERY SERVICE :
OF NEW ENGLAND, INC., :
 :
Defendant :



CROSS-MOTION FOR STIPULATED
PENALTIES AGAINST THE UNITED STATES,
FOR DISCOVERY AND FOR AN EVIDENTIARY HEARING

The United States Environmental Protection Agency ("EPA") has moved before this Court for an order enforcing the Consent Decree entered into between the EPA and defendant Solvents Recovery Service of New England, Inc. ("SRSNE") on February 23, 1983.

SRSNE is today filing its memorandum of law in opposition to the EPA's motion, with supporting certifications of Jack Guswa, Ph.D., William S. ("Pete") Duncan, III, and James R. Hulm. These papers demonstrate that the EPA's allegations--except for charges that SRSNE did not timely file certain required reports, which SRSNE does not contest--are

without merit and that, in fact, the EPA on a number of occasions violated the requirements of the Consent Decree by failing to notify SRSNE of its objections within the time stipulated by Paragraph 14.

SRSNE therefore hereby cross-moves for stipulated penalties against the EPA, and for discovery and an evidentiary hearing to resolve the factual issues raised by the EPA's motion and SRSNE's response. In support of its cross-motion, SRSNE will rely on the papers submitted in opposition to the motion of the EPA.

Respectfully submitted,

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